

забезпечити притягнення винних до відповідальності, в тому числі, при необхідності, до індивідуальної кримінальної відповідальності, а також доступ жертв до правосуддя.

Рада підтвердила потребу швидкого, незалежного та неупередженого національного та міжнародного розслідування ймовірних порушень та утисків прав людини, порушень міжнародного гуманітарного права та пов'язаних з ними злочинів з метою притягнення винних до відповідальності, в тому числі за ті правопорушення, які можуть бути злочинами проти гуманності, воєнними злочинами та іншими злочинами згідно з міжнародним правом, а також сприяння ефективній та дієвій координації між усіма відповідними сторонами, які беруть участь у зборі, зведенні та аналізі доказів.

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THE EU–TURKEY RELATIONSHIPS AND EVALUATION OF HUMAN RIGHTS AXIS OF THE RELATIONSHIP

Turkey has a complicated sensitive relationship which causes major challenges between the relationship of Turkey and the EU (European Union). Due to these challenges, it is not easy for Turkey to become a participating member in the European Union. This effort has been ongoing due to Turkey position and policies for over a span of half century.¹ Turkey has been a state candidate to join the EU member states since the year 2004 after finishing the whole accession process, which covers the prior historical background of relations between the parties from the year 1950 when the European Economic Community (EEC) was setup in the year 1958. Turkey moved its first application in July, 1959 to join the EU. Later based on

¹ Bozkurt K. Turkey- EU Relations: A short Overview and Impact of the Refuges Crisis on the EU-Turkey Accession Negotiations, *Revista Akademike*, V:2, Issue: 2017/1. p. 41, Adaman F. is corruption a Drawback to Turkey's Accession to the European Union? *South –European Society and Politics*, 16(2), pp.309-312, doi:10.1080/13608746.2011.577952, 2011. p. 309-312, Bozkurt K. & Lombaerde P. The Causes and Consequences of the Hybrid EU – Turkey Trade Regime, a draft paper, 2022.

negotiations, an agreement was signed on September 12, 1963, known as the Ankara (Association) Agreement which came into force on December 1, 1964. One of the fundamental aims of the Agreements was creating an association between Turkey and EEC. Later, the Ankara Association Agreement was supplemented by an additional protocol signed in the year November 1970.² Based on several meetings between the parties, follow up and as a result of the approval in the Helsinki Summit, Turkey got eligible and got approval status as a candidate. The approval of Turkey as a “candidate status” was an important step and relation development between Turkey and Heads of State and Government in Helsinki on December 10-11, 1999.³ Furthermore, at the Brussels Summit on December 16-17, 2004, the decisions taken in the year 1999 Helsinki Summit were reaffirmed, as the European Council recognized that Turkey sufficiently fulfilled the political criteria.⁴ As a result, European Council defined the conditions for the opening of accession negotiations in December 2004 and decided to open accession negotiations with Turkey on October 3, 2005.⁵

Above all, the Commission adopted a Communication on the civil-society dialogue between EU and candidate countries which sets out a general framework on how to create and reinforce link between civil society in the EU and other candidate countries. Absolutely, this communication was also important for Turkey and it must be taken into account for the accession process.⁶ Consequently in the same year, October 2005, was the start of the screening process concerning the analytical examination of the *acquis*. Moreover, the Council adopted a Negotiating Framework which sets out the principles governing the negotiations followed by the formal opening of accession negotiations with Turkey and in the year December

² Bozkurt K. & Lombaerde, P. D. The Causes and Consequences of the Hybrid EU – Turkey Trade Regime, a draft paper, 2002.

³ Brochart. K. D. the ABC of European Union Law, European Union, 2010. p. 21-22.

⁴ Bozkurt & Lombaerde.

⁵ Brochart K. D. The ABC of European Union Law, European Union, 2017. p. 21-22, Bozkurt. 2017b, p. 24.

⁶ Bozkurt & Lombaerde.

2005 the Council adopted a revised Accession Partnership for Turkey.⁷ As a result, negotiations were opened in June 2006 and it must be said that accession negotiation process has stopped since 2017.⁸

1. The Challenges of the EU-Turkey Relations

Turkey is a key strategic partner of the EU on issues such as migration, security, counter-terrorism, and the economy, as stated by the European Commission; however Turkey has been backsliding in the areas of democracy, rule of law and fundamental rights and human rights principles.⁹ Because of this, the relations between the parties are not stable and they have unfortunately some breakpoints and conflicts. These breakpoints and conflicts are also reflected in to the accession negotiation process. The stress and tensions in the parties' relations can be divided into 5 areas: (i)- accession negotiations, (ii)- refugee crises, (iii)- visa-free regime, (iv)- Custom union issue and finally (v)- fundamental and human rights issues.¹⁰

2. 1. Accession Negotiations Aspect

One of the important breakpoint between parties' relations, as stated before, is the accession negotiations process which has been stopped since 2016, however, accession negotiations process started in the year 2005, but the Commission decided that until Turkey agrees to apply the Additional Protocol, which was accepted as an essential part of the Ankara Association Agreement to Cyprus, eight negotiation chapters will not be opened and no chapter will be provisionally closed.¹¹ Obviously, in the accession negotiations process, 16 processes have been opened to negotiations so far only one of them, which is chapter 25 Science and Research, has been

⁷ Ibid.

⁸ Ibid.

⁹ Commission Staff Working Document Turkey 2021 Report, SWD(2021)290 final, Commission Staff Working Document Turkey 2020 Report, SWD(2020) 355 final.

¹⁰ Bozkurt K. Immigration law with recent developments refugee status and asylum within the scope of European Union policies and regulations, 2022. p. 179.

¹¹ Commission Staff Working Document Turkey 2021 Report, SWD(2021)290 final, Commission Staff Working Document Turkey 2020 Report, SWD(2020) 355 final. Please see also; Bozkurt. 2022, p. 178-179.

provisionally closed. Therefore, it can be said that this process creates negative effects on the parties' relationship.¹²

2. 2. Refugee Crises Aspect

Since civil war in Syria, Turkey is home to many Syrians and according to the latest data of the UNHCR, there are more than 3,763,565 registered Syrian refugees in Turkey.¹³ Of course, the number of Syrian refugees can be much higher than UNHCR's data in reality. Turkey is the state in the world hosting the highest number of refugees and has already spent significant financial resources on addressing this crisis.¹⁴ Clearly, the civil war in Syria does not affect only Turkey, but also it has directly afflicted Europe in terms of political, legal and to a certain degree, economical terms. The consequences of such exposure and transition have shaped the relations between the EU and Turkey. The latest influx and the new waves of immigrants and refugees have become a principal cause of a new political and legal process with respect to Turkey and the EU.¹⁵

2. 3. Visa-Free Regime Aspect

In the parties' relations, one of the critical point is visa-free regime. It can be said that strikingly, Turkey is among EU candidate countries the only country whose citizens face visa obligations.¹⁶ The EU launched the Visa Liberalisation Dialogue with Turkey on December 16, 2013, in parallel with the signing of the EU-Turkey Readmission Agreement.¹⁷ Later, in the "Third Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap" the Commission stated that the Visa Liberalisation Dialogue is based on the Roadmap towards a visa free

¹² Bozkurt & Lombaerde.

¹³ UNHCR 2022. <https://data2.unhcr.org/en/situations/syria>

¹⁴ Bozkurt K. Geri Kabul ve Vize Serbestisi Anlaşması, TBB Dergisi, 2016. p. 388, please see also; Bozkurt. 2022. p.181.

¹⁵ Bozkurt K. & Rottmann S. Legal and anthropological Approaches to Migration Policy in Turkey and Europe, Researches on Science and Art in 21st Century Turkey, Ed. Arapgirlioğlu, Atik, Elliot, Turgeon, Gece Kitaplığı, 2017b. p. 1590.

¹⁶ Ibid.

¹⁷ <https://www.mfa.gov.tr/turkey-and-the-european-union-have-launched-a-dialogue-on-visa-liberalisation-and-signed-the-readmission-agreement.en.mfa>

regime with Turkey which is a document setting out the requirements that Turkey needs to meet in order to enable the Commission to propose to the European Parliament and the Council for an amendment to Regulation (EC) No 539/2001 which would allow Turkish citizens to travel without a visa for short stays of 90 days within any 180-day period for business, touristic or family purposes, in the Schengen area.¹⁸

The Commission settled the 72 requirements regarding the EU-Turkey Readmission Agreement, which are listed in the Roadmap and are organised in five thematic groups: document security; migration management; public order and security; fundamental rights, human rights, and readmission of irregular migrants.¹⁹

2. 4. Custom Union Aspect

Custom union aspect issue that contains very technical and comprehensive aspects looks at another stress point in the parties' relation. Regarding a better understanding of the legal background of the CU between the parties, a close look at the Ankara Agreement of 12.09.1963²⁰ and its Additional Protocol of 23.11.1970²¹ is necessary and important, as well. These two documents define the scope and content of the association relationship absolutely, while the final phase of the customs union is defined in Decision 1/95 of the Association Council of 22.12.1995²². Further, it has also taken into account that the decision No 1/2001 of the EC-Turkey Customs Co-operation Committee of 28.03.2001²³ sets out implementing customs provisions of Decision No 1/95, applicable to trade in goods between the two parts of the customs union and with third countries which was amended by Decision No 1/2003 of 30.01.2003.²⁴

¹⁸ COM(2016) 278, {SWD(2016) 161 final, please see also; Bozkurt K. Fighting corruption in the EU and impact of the policy on the accession negotiations with Turkey, 5th Traditional Law Conference of the University of Ljubljana, Faculty of Law, Ed. Kralic S. University of Maribor Press, 2017b. p. 48.

¹⁹ Bozkurt & Lombaerde.

²⁰ OJ L 217, 29.12.1964.

²¹ OJ L 293, 29.12.1972.

²² OJ L 35, 13.02.1996.

²³ OJ L 98, 7.04.2001.

²⁴ OJ L 28, 4.02.2003 - corrigendum OJ L 74, 20.03.2003, EU Commission, 2020.

2. 5. Other Problem Issues

Obviously, EU-Turkey relations have various dimensions, including: (geo-) political, economic, and legal issues which create other problems in the relation. As highlighted in the latest progress report, Turkey 2022 Report, it is stated that Turkey's repeated commitment to the objective of EU accession has not been matched by corresponding measures and reforms, and the EU's serious concerns on continued deterioration of democracy, the rule of law, fundamental rights and the independence of the judiciary have not been addressed with further backsliding in many areas.²⁵ Furthermore, the EU emphasized that the relations between parties worsened due to the developments in Greece including repeated violations of Greek airspace by Turkish fighter jets in the Aegean region and threatening Turkish statements regarding the sovereignty of Greek islands, and against Cyprus.²⁶ Moreover, the Commission stated that Turkey continued to carry out military exercises in the maritime zones of Cyprus, and Turkish warships illegally obstructed survey activities in the Cypriot Exclusive Economic Zone (EEZ). Despite international condemnation, Turkey continued with its plan to open the fenced-off area of Varosha.²⁷ Additionally, the Commission explained that tensions in the Aegean Sea and Eastern Mediterranean were not conducive to good neighbourly relations and undermined regional stability and security.²⁸ However, Turkey does not accept objections and evaluations of the EU that the activities of Greece and Cyprus are illegal regarding Turkey's policy in the Aegean Sea and Eastern Mediterranean. Therefore, it is seen that relations between the parties are going on still in a tense and a turbulent route currently.

3- The EU's Approach to Human Rights and Fundamental Rights

3. 1. An Overall Assessment

²⁵ Commission Staff Working Document Turkey Report, 2022. p. 3. Please see; Commission Staff Working Document 2022 Report, SWD(2022) 333 final.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

The phenomenon of human rights draws attention to an extremely important concept in the 20th and 21st centuries. The concept is of great significance for international law and national law, as well. It should be noted that the concept, human rights, is a very special area of critical concern under international law, its regulations and instruments which regulate rights of individuals even if it is through the responsibility of states. It must be emphasized that this is an essential area of interest in international community rather international relations and law since protection of human rights is closely connected to the protection of international peace. Moreover, the international community has a major role that it has more interest in the rights of other people as a result of internationalization.²⁹

Today international law of human rights and its principles regulate two important aspects of human rights which are identifying of human rights and protecting of these rights through international measures and entities.³⁰ Of course these two important aspects and related issues are regulated by special rules of international treaties³¹ as well as by customary rules of international law to a limited extent.³² Human rights and protection mechanisms are undoubtedly an important concept within the EU. Human rights and protection mechanisms both in the TEU³³ and TFEU³⁴ and Charter of Fundamental Rights of the European Union³⁵ are constitutionally defined and protected at the highest level. Another important regulation for candidate countries in the context of human rights and protection mechanisms is Copenhagen criteria which is called accession criteria. One of the most important breaking and discussion points in EU-Turkey relations is the issue

²⁹ Acer Y. & Kaya I. Uluslararası Hukuk Temel Ders Kitabı 2014. p. 315.

³⁰ Ibid.

³¹ E. g. The UN Universal Declaration on Human Rights, UN International Covenant on Civil and Political Rights, UN International Covenant on Economic, Social and Cultural Rights, the European Convention on Human Rights, as a regional human rights conventions, etc.

³² Acer & Kaya 2014. p. 315

³³ The Treaty on European Union, https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

³⁴ Treaty on the Functioning of the European Union, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:en:PDF>

³⁵ 2012/C 326/02, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN>

of human rights and Turkey's human rights violations. Especially in the last six (6) years, this issue, rather fundamental rights are problematic and Turkey's examination with human rights has been particularly examined and criticized by the Commission in the progress reports. It is clear that Turkey does not like interference in its internal affairs with regard to human rights and claims that are present on human rights records and files, and practices are unblemished, which is highly questionable and violative of the current enforced Human rights treaties internationally and should in line with line with the European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECtHR) case-laws. Lastly, this stance brought criticism from concerned EU officials, albeit in a rather slow manner. It should be noted that figures such as Kati Piri, European Parliament's rapporteur for Turkey's EU candidacy, decried such brazen anti-democratic attitude among government (the government in power during that period) and pro-government quarters which called for an eventual freeze in Turkey-EU relations, leading to an official Turkish government boycott against Turkey by November 2016.³⁶ These assessments and approaches are still valid today.

3. 2. The Fundamental Rights Dimension of Human Rights

The EU defines its human rights approach (and perspective) and its assessments of human rights violations in terms of fundamental rights which are based on Charter of Fundamental Rights of the European Union basically. Therefore, in the progress reports of the Commission, human rights violations and problems have been and are evaluated in terms of fundamental rights and related violations. Undoubtedly, fundamental rights and freedoms are indispensable and inalienable elements of human rights. This is because, in domestic laws, the violation of fundamental rights and freedoms constitutes a concrete violation of human rights as well. For this reason, human rights problems and violations in the EU-Turkey relationships should be addressed in the context and axis of fundamental rights. The EU also perceives

³⁶ Sencer E. Self-Image, Legality, and History in AKP Turkey, in: International Congress of European Law, Odessa 2017. p. 136.

the rule of law and judicial independence to be enforced strictly, which are essential parameters of human rights protection mechanisms, as important levels in relation to human rights.

4- Human Rights and Fundamental Rights Axes in the Progress Reports

Human rights and fundamental rights axes are pretty important concepts for the EU and its enlargement policy. The EU maintains this approach for candidate countries as well. When the Commission's last couple of year's progress reports for Turkey is examined, it is seen that assessments on fundamental rights and human rights issues are emphasized. According to the progress report 2018 the following points are particularly emphasized: «Civil society came under increasing pressure, notably in the face of a large number of arrests of activists, including human rights defenders, and the recurrent use of bans of demonstrations and other types of gatherings, leading to a rapid shrinking space for fundamental rights and freedoms. Many rights-based organisations remained closed as part of the measures under the state of emergency and an effective legal remedy has not been available with respect to confiscations.»³⁷ Furthermore, the Commission emphasized that while the government has a legitimate right to fight against terrorism; it is also responsible for ensuring that this is done in accordance with the rule of law, human rights, and fundamental freedoms. As a result, the Commission stated anti-terror measures need to be proportionate. With these findings, Turkey was criticized by the Commission. In the progress report of 2019, the Commission explained following findings regarding human rights and fundamental rights: «Fundamental rights have been considerably curtailed under the state of emergency and pursuant to the decrees and legislation adopted during and after it. This has led to very limited progress on the outstanding issues identified in previous reports, namely the termination of the state of emergency. Nevertheless, further backsliding continued in all areas of human

³⁷ Commission Staff Working Document Turkey 2018 Report, p. 4.
<https://www.ab.gov.tr/siteimages/kapbtablolar/20180417-turkey-report.pdf>

rights, most notably on freedom of expression including freedom of press, freedom of assembly and association, protection of human rights defenders, property rights and procedural rights». ³⁸ In this report, the Commission also listed Turkey's obligations and responsibilities. So Turkey should be as follows: ³⁹ (i)-revise and improve the legislation so that it is compatible with the ECHR and the ECtHR case law, (ii)- reconstitute the necessary conditions to ensure the independence, impartiality, accountability, quality, efficiency and professionalism of the judiciary, (iii)- guarantee and ensure that its international responsibilities and liability are respected in relation to fundamental rights and freedoms, and effectively address serious human rights violations, including respecting the right to a fair trial and effectively investigating allegations of violations of the ECHR and other international Conventions to which it is a party. ⁴⁰ The Commission in the progress report of 2020 identified and emphasized that the constitutional architecture continued centralizing powers at the level of the Presidency without ensuring a sound and effective separation of powers between the executive, legislative and the judiciary. Moreover, the Commission has drawn attention that in the absence of an effective checks and balances mechanism, the democratic accountability of the executive branch remains limited to elections. Similarly the Commission noticed that under these conditions, the serious backsliding of the respect for democratic standards, the rule of law, and fundamental freedoms continued. ⁴¹ The Commission explained in the same report that political polarization continued to prevent constructive parliamentary and emphasized also that despite the lifting of the state of emergency in July 2018, the adverse impacts of the two-year long emergency ruling continued to significantly impact on democracy and fundamental rights. ⁴²

³⁸ Commission Staff Working Document Turkey 2019 Report, p. 22.
[https://www.ab.gov.tr/siteimages/resimler/20190529-turkey-report\(1\).pdf](https://www.ab.gov.tr/siteimages/resimler/20190529-turkey-report(1).pdf)

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Commission Staff Working Document Turkey 2020 Report, p. 4-5.
https://www.ab.gov.tr/siteimages/trkiye_raporustrateji_belgesi_2020/turkey_report_2020.pdf

⁴² Ibid.

Lastly, the Commission stated that the deterioration of human and fundamental rights continued and stated additionally that many of the measures introduced during the state of emergency remained in force and continued to have a profound and devastating impact. Further, the Commission said that the legal framework includes general guarantees of respect for human and fundamental rights but the legislation and practice still need to be brought into line with the European Convention on Human Rights (ECHR) and with the European Court of Human Rights (ECtHR) case-law.⁴³ Looking at the 2021 report, the Commission stated that there are serious deficiencies in the functioning of Turkey's democratic institutions and democratic backsliding continued during the reporting period.⁴⁴ In the report it is seen and disclosed that the deterioration of human and fundamental rights continued and a lot of the measures brought in during the state of emergency remain in force. Moreover, it is understood in the same report that the legal framework includes general guarantees of respect for human and fundamental rights but the legislation and practice still need to be brought into line with the European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECtHR) case-law. The Commission stated that legislation and its implementation, especially national security and anti-terrorism provisions, continued to contravene the European Convention on Human Rights and other international standards and to diverge from ECtHR case laws and lastly explained the Commission that serious backsliding continued on freedom of expression.⁴⁵

Recently, the last progress report of the Commission on Turkey was published which contained similar content of the report 2021 regarding human and fundamental rights violations. In the final and latest report emphasized the following findings by the Commission: "The deterioration of human and fundamental rights continued. Many of the measures introduced during the state of emergency remain

⁴³ Ibid, p. 6.

⁴⁴ Commission Staff Working Document Turkey 2021 Report, p. 3-5.
<https://www.ab.gov.tr/siteimages/birimler/kpb/turkey-report-2021-v2.pdf>

⁴⁵ Ibid.

in force. The legal framework includes general guarantees of respect for human and fundamental rights, but the legislation and its implementation need to be brought into line with the European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECtHR) case-laws, acting as enforced precedents. The Council of Europe's Parliamentary Assembly continued to monitor Türkiye's respect for human rights, democracy, and the rule of law. Türkiye's continued refusal to implement certain ECtHR rulings, notably in the cases of Selahattin Demirtaş and Osman Kavala, is a source of serious concern regarding the judiciary's adherence to international and European standards and Türkiye's commitment to promote the rule of law and respect for fundamental rights".⁴⁶ When all reports are evaluated together, it is seen that the axis of human and fundamental rights is an important problem in the relationship between the parties. While there are differences in approach and perception between the parties, Turkey's approach to human and fundamental rights is highly problematic and contradictory. For full membership, it is important for Turkey to change this approach and policies and make the changes and improvements requested by the Commission regarding human and fundamental rights matters. Under current conditions and looking at the developments of the last (six) 6 years, this will not be easy and Turkey has a lot to cover with respect to Human Right and Fundamental right violation and show compliance with demonstrable cases and examples.

5- Conclusion

It would not be wrong to say that legal, economic, political factors and problems which are to be considered in the partnership relation between the EU and Turkey related to full membership which has several years of history and frequently faced problems on non-compliance and has been suspended or even stopped from time to time. In recent years, the area of human and fundamental rights has been one of the most debated issues between the EU and Turkey, which has been evaluated differently by the parties. Progress reports also contain criticisms in other areas and

⁴⁶ https://ec.europa.eu/commission/presscorner/detail/en/country_22_6088

issues. In the light of all these severe and comprehensive criticisms and findings, Turkey's path to full membership is highly problematic and challenging unless serious rectification measures are implemented to follow and comply with European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECtHR) case-laws. However, if Turkey can change its understanding and approaches and practices of human and fundamental rights and can make improvements within the scope of the EU's criticisms, the membership process may gain a positive momentum and will be required steps further. Perhaps this change could bring to Turkey an important gain on the full membership process. However, it would be too optimistic to be hopeful under the current circumstances with all rampant human rights violations.

References:

Acer Y. & Kaya I. Uluslararası Hukuk Temel Ders Kitabı 2014.

Adaman F. Is corruption a Drawback to Turkey's Accession to the European Union? South –European Society and Politics, 16(2), doi:10.1080/13608746.2011.577952, 2011.

Bozkurt K. Geri Kabul ve Vize Serbestisi Anlaşması, TBB Dergisi, 2016.

Bozkurt K. Turkey- EU Relations: A short Overview and Impact of the Refuges Crisis on the EU-Turkey Accession Negotiations, Revista Akademike, V:2, Issue: 2017/1.

Bozkurt K. & Lombaerde P. The Causes and Consequences of the Hybrid EU – Turkey Trade Regime, a draft paper, 2022.

Bozkurt K. & Rottmann S. Legal and anthropological Approaches to Migration Policy in Turkey and Europe, Researches on Science and Art in 21st Century Turkey, Ed. Arapgirlioğlu, Atik, Elliot, Turgeon, Gece Kitaplığı, 2017b.

Bozkurt K. Fighting corruption in the EU and impact of the policy on the accession negotiations with Turkey, 5th Traditional Law Conference of the University of Ljubljana, Faculty of Law, Ed. Kralic S. University of Maribor Press, 2017b.

Bozkurt K. Immigration law with recent developments refugee status and asylum within the scope of European Union policies and regulations, 2022.

Brochardt K. D. The ABC of European Union Law, European Union, 2017.

Brochardt. K. D. the ABC of European Union Law, European Union, 2010.

Sencer E. Self-Image, Legality, and History in AKP Turkey, in: International Congress of European Law, Odessa 2017.

OJ L 217, 29.12.1964

OJ L 293, 29.12.1972

OJ L 35, 13.02.1996

OJ L 98, 7.04.2001

OJ L 28, 4.02.2003 - corrigendum OJ L 74, 20.03.2003

SWD(2020) 355 final

SWD(2021)290 final

SWD(2022) 333 final

COM(2016) 278, {SWD(2016) 161 final

The Treaty on European Union, https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF

Treaty on the Functioning of the European Union, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:en:PDF>

Commission Staff Working Document Turkey 2018 Report

Commission Staff Working Document Turkey 2019 Report

Commission Staff Working Document Turkey 2020 Report

Commission Staff Working Document Turkey 2021 Report

Commission Staff Working Document Turkey Report 2022

https://ec.europa.eu/commission/presscorner/detail/en/country_22_6088

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN>

UNHCR 2022. <https://data2.unhcr.org/en/situations/syria>

<https://www.mfa.gov.tr/turkey-and-the-european-union-have-launched-a-dialogue-on-visa-liberalisation-and-signed-the-readmission-agreement.en.mfa>
<https://www.ab.gov.tr/siteimages/kapbtablolar/20180417-turkey-report.pdf>
[https://www.ab.gov.tr/siteimages/resimler/20190529-turkey-report\(1\).pdf](https://www.ab.gov.tr/siteimages/resimler/20190529-turkey-report(1).pdf)
https://www.ab.gov.tr/siteimages/trkiye_raporustrateji_belgesi_2020/turkey_report_2020.pdf
<https://www.ab.gov.tr/siteimages/birimler/kpb/turkey-report-2021-v2.pdf>

Ariel Bergner

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VIOLATIONS OF HUMAN RIGHTS IN SITUATIONS OF CONFLICT AND INSECURITY

The maintenance of international peace and security is one of the purposes of the United Nations Charter. Violence and conflict undermine sustainable development. Human rights violations are at the root causes of conflict and insecurity which, in turn, invariably result in further violations of human rights. As such, action to protect and promote human rights has inherent preventive power while rights-based approaches to peace and security bring this power to efforts for sustainable peace.

The human rights normative framework also provides a sound basis for addressing issues of serious concern within or between countries that, if left unaddressed, may lead to conflict. Human rights information and analysis is a tool for early warning and early targeted action that has not yet been used to its full potential.

Failure to adhere to international human rights standards and protect human rights weakens peace-making, peacekeeping and peacebuilding efforts. Global efforts to counter terrorism and prevent the spread of violent extremism suffer from this failure.